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EX PARTE

By ECFS

April 20, 2010

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Joint Statement on Broadband*, GN Docket No. 10-66; *International Comparison and Consumer Survey Requirements in the Broadband Data Improvement Act*, GN Docket No. 09-47; *A National Broadband Plan for Our Future*, GN Docket No. 09-51; *Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, as Amended by the Broadband Data Improvement Act*, GN Docket No. 09-137; *Federal-State Joint Conference on Advanced Telecommunications Services*, CC Docket No. 99-294; *High-Cost Universal Service Support*, WC Docket No. 05-337; *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45; *Lifeline and Link Up*, WC Docket No. 03-109; *Universal Service Contribution Methodology*, WC Docket No. 06-122; *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996*, CC Docket No. 96-98; *Developing a Unified Intercarrier Compensation Regime*, CC Docket No. 01-92; *Intercarrier Compensation for ISP-Bound Traffic*, CC Docket No. 99-68; *IP-Enabled Services*, WC Docket No. 04-36; *Consumer Information and Disclosure*, CG Docket No. 09-158; *Truth-in-Billing and Billing Format*, CC Docket No. 98-170

Dear Secretary Dortch:

On March 16, 2010, the Federal Communications Commission ("FCC") released its much anticipated National Broadband Plan ("NBP" or "Plan").¹ The Plan makes numerous recommendations on a wide range of issues. These recommendations include comprehensive reform of intercarrier compensation, universal service, and wholesale competition rules, and

¹ See FCC Report to Congress, "Connecting America: The National Broadband Plan," (rel. Mar. 16, 2010) ("NBP").

implementation of a proceeding relating to the national transition from a circuit-switched network to an IP-based network.² The Plan also recommends that the FCC “quickly publish a timetable of proceedings to implement plan recommendations within its authority,” further specifying that “FCC data collection and analysis efforts are essential to understanding the effectiveness of plan policies and the progress being made toward plan goals.”³ The FCC has, commendably, responded quickly to the Plan’s timetable recommendation and on April 8, 2010, issued its initial timeline of broadband-related actions to take place over the remainder of the year.⁴

The Plan properly asserts that detailed, continuous data collection and analysis is “the linchpin of effective competition policy.”⁵ In response to this basic tenet and the anticipated Notices of Proposed Rulemakings and Notices of Inquiries to be issued by the FCC in the coming months and years, the Massachusetts Department of Telecommunications and Cable (“MDTC”) submits the attached Competition Status Report (“Report”), which the MDTC recently released, in the above-referenced proceedings.⁶ Through this Report, the MDTC compiles and analyzes information about the status of competition in the telephone and cable television markets in Massachusetts.⁷ Although limited in scope, the MDTC hopes that the FCC and other interested parties will be able to utilize the Report’s data as a tool to assist in making decisions regarding policy.

Please note that due to the Report’s file size, only this letter will be emailed directly to those individuals identified below. The Report itself is available online at the address indicated in footnote 6 below.

² *Id.* at 10, 59, 135-136, 140-155.

³ *Id.* at 334.

⁴ *See, e.g., FCC Announces Broadband Action Agenda*, FCC Press Release (rel. Apr. 8, 2010).

⁵ NBP, at 29.

⁶ MDTC Report, “Competition Status Report,” (rel. Feb. 12, 2010), also available at http://www.mass.gov/Eoca/docs/dtc/compreport/CompetitionReport_Combined.pdf (last viewed Apr. 14, 2010).

⁷ Due to the defined scope of the Report, and the limitations in the availability of data, the Report only examines part of the competitive equation by identifying the voice and video alternatives that exist in Massachusetts and analyzing the extent of consumer adoption. The Report does not examine the pricing of communications services, nor does the Report consider broadband technologies and the effects of the convergence of voice, video, and data services on the marketplace. Further, data limitations of the Report, in part, include confidentiality concerns and the MDTC’s lack of authority to compel public reporting of such data.

Should you have any further questions or need any additional information, please do not hesitate to contact me at (617) 305-3580.

Sincerely,

_____/s/_____
Geoffrey G. Why
Commissioner

Attachment

CC: Sharon Gillett, Chief, Wireline Competition Bureau
William Dever, Division Chief, Competition Policy Division
Albert Lewis, Division Chief, Pricing Policy Division
Jennifer McKee, Acting Division Chief, Telecommunications Access Policy Division
Rodger Woock, Division Chief, Industry Analysis and Technology Division

Please be advised that the Department of Telecommunications and Cable will be moving to a new location as of April 26, 2010. The new address will be 1000 Washington Street, Suite 820, Boston, MA 02118-6500. All telephone contact numbers will remain the same. Please contact the Department's Secretary if you have any questions.